

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **DPW**

DATE: NOVEMBER 28, 2006

Committee Members Present:	William Lamy, Superintendent, Dept. of
Supervisors Belden	Public Works
Bentley	William Thomas, Chairman
Mason	Joan Parsons, Commissioner of
Stec	Administrative & Fiscal Services
Geraghty	Joan Sady, Clerk
Merlino	Paul Dusek, County Attorney
	Supervisor VanNess
Committee Member Absent:	Supervisor F. Thomas
Supervisor Haskell	Supervisor Gabriels
	Carlene Ramsey, Sr. Legislative Office
	Specialist

Mr. Belden called the meeting to order at 11:30 a.m.

Motion was made by Mr. Mason, seconded by Mr. Stec, and carried unanimously to accept the minutes of the previous meeting, subject to correction by the Clerk.

Privilege of the floor was extended to William Lamy, Superintendent of the Department of Public Works (DPW), who distributed an Agenda packet to each of the Committee members and a copy is on file with the minutes.

Mr. Lamy acknowledged the Agenda he had prepared was rather ambitious, since there were a number of contracts to be renewed before the end of the year. He began with New Business, Agenda Item 1, Snow/Ice Contracts and he presented a resolution request to authorize the necessary contracts between the County and the participating municipalities.

Motion was made by Mr. Mason, seconded by Mr. Merlino and carried unanimously to authorize the municipal agreements between the County and the participating municipalities, for snow and ice removal services, at a total cost not to exceed \$914,820. The Committee authorized the necessary resolution to be prepared for the December Board meeting and a copy of the request form is on file with the minutes.

Mr. Wm. Thomas entered the meeting at 11:32 a.m.

Turning to Agenda Item 2, Transfer of Funds, Mr. Lamy explained there were a number of salary accounts (predominately Maintenance of Highways) that would otherwise run low on funds before the end of the year. He noted the County had experienced very few snow and/or ice events that normally would have covered a portion of the routine expenses. He also mentioned that when two staff members retired, their accrued

vacation and sick time needed to be drawn from the account.

Mr. Bentley and Mrs. Parsons entered the meeting at 11:34 a.m.

Motion was made by Mr. Geraghty, seconded by Mr. Merlino and carried unanimously to approve the Request for Transfer of Funds, as presented, and to forward same to the Finance Committee. A copy of the request form is on file with the minutes.

Mr. Lamy turned to Agenda Item 3, Intersection of Glen Lake Road and Route 9, and he explained the project had been completed, with a balance of \$42,312.81 remaining. He noted the County had agreed to return 22% of any remaining balance to the Town of Queensbury.

Motion was made by Mr. Mason, seconded by Mr. Merlino and carried unanimously to close the Intersection Glen Lake Road & Route 9, Road Project D5112.8113.2 and transfer any remaining balance as follows: 22% (\$9,308.82) to the Town of Queensbury and 78% (\$33,003.99) to the General Fund, Unappropriated Surplus; and to forward same to the Finance Committee. A copy of the request form is on file with the minutes.

Mr. Lamy noted that the General Fund, Unappropriated Surplus now had at least \$33,003.99 in the account, and he had three projects that were under-funded (Agenda Items 4, 5, and 6).

At Agenda Item 4, Telephone System, Mr. Lamy explained that he would like to request \$7,000 from the General Fund, Unappropriated Surplus, to cover the data component of the new phone system at the DPW Administration Offices.

Motion was made by Mr. Bentley, seconded by Mr. Stec and carried unanimously to approve the request as presented and refer the request to the Finance Committee. A copy of the request form is on file with the minutes.

At Agenda Item 5, BayRd/Moon Hill Road, Mr. Lamy explained that an RFP had been issued for the project. He said he had obtained an engineer's estimate of the project and learned the County Roads-CR#7-Bay Road Rt. 9L So. project would need an additional \$18,000. He requested \$18,000 from the General Fund, Unappropriated Surplus.

Motion was made by Mr. Stec and seconded by Mr. Bentley to approve the request for \$18,000 from General Fund, Unappropriated Surplus for the construction of a traffic signal at the intersection of Bay Road and Moon Hill Road in the Town of Queensbury, County Roads-CR#7-Bay Road Rt. 9L So.

Joan Parsons, Commissioner of Administrative & Fiscal Services, explained that if the funds were placed into the road project, but not expended before the end of the year, the funds would return to the general fund. As an alternative, she said, if a new capital

project were established and then funded with the \$18,000, that the funds would remain intact.

Mr. Lamy said he would create a capital project and then transfer the funds accordingly.

Mr. Belden called the question, the motion to approve the request as presented was carried unanimously. *[Subsequent to the meeting it was determined that a road fund project was already established for this project so the request to increase the County Road Fund Project D5112-8076.2 (Bay Road Signal) in the amount of \$18,000 was referred to the Finance Committee. A copy of the request form is on file with the minutes.]*

Mr. Lamy resumed Agenda review at Item 6, Fuel Farms, as he presented a Resolution Request to Increase an Existing Capital Reserve Project, Fuel Management Expansion and Upgrade H.159.9550.280. He explained the County was presently in non-compliance with New York State Department of Environmental Conservation (DEC) regulations on the inventory control at each of the fuel stations throughout the County. He requested \$8,000 from the General Fund Unappropriated Surplus to cover the minimum upgrades that DEC would approve, at this point.

Mr. Lamy explained that preliminary estimates (on DEC's recommendations) have been as high as \$100,000. He mentioned that his staff was putting together a RFP for the permanent solution DEC was looking for. Simultaneously, he said he was also investigating alternative solutions, such as staff training and implementing new measuring techniques.

Mrs. Parsons apprized the proper procedure would be to increase the aforementioned Capital Project via a resolution request approved by the Finance Committee.

Motion was made by Mr. Mason, seconded by Mr. Merlino and carried unanimously to approve the Request to Increase Existing Capital Reserve Project, Fuel Management Expansion and Upgrade H.159.9550.280 in the amount of \$8,000, with the source of funding being General Fund Unappropriated Surplus, and to forward same to the Finance Committee for consideration. A copy of the request form is on file with the minutes.

At Agenda Item 7, Corinth Road, Mr. Lamy referred to Resolution No. 668 of 2006 regarding just compensation for affected properties along the project's corridor. He noted the County Attorney had apprized him that the Resolution needed to include authorization for the Chairman of the Board of Supervisors to sign the appropriate documents. Subsequently, Mr. Lamy presented a resolution request to amend said resolution.

Motion was made by Mr. Bentley, seconded by Mr. Stec and carried unanimously to

authorize the resolution request to amend Resolution No. 668 of 2006 and to authorize the necessary resolution be prepared for the December Board meeting. A copy of the request form is on file with the minutes.

Mr. Lamy returned to Agenda review at Item 8, Unifirst Corporation, which he said related to the existing contract for the DPW's uniform laundry services. He presented a resolution request form to extend the contract through December 31, 2008 for the same annual fee.

Motion was made by Mr. Mason, seconded by Mr. Merlino and carried unanimously to authorize the contract with UniFirst Corporation through December 31, 2008 for uniform and laundry services, in the amount of \$59 per week, and to authorize the necessary resolution be prepared for the December Board meeting. A copy of the resolution request is on file with the minutes.

At Agenda Item 9, Standard Medical, Mr. Lamy explained the County had contracted with Convenient Medical Care (now known as Standard Medical Services) for its employee drug and alcohol screening program. He said the contract had included the option for a DOT (Department of Transportation) physical exam, for a fee of \$100 per employee. Although the County had not previously exercised this option, he said he would like the new contract to include the option, in the event the County chose to utilize it.

Motion was made by Mr. Bentley, seconded by Mr. Geraghty and carried unanimously to approve the contract with Standard Medical Services for the DOT required medical screening of employees, for the various fees specified in the contract agreement, and to authorize the necessary resolution be prepared for the December Board meeting. A copy of the resolution request form is on file with the minutes.

As for Agenda Item 10, Tree Care by Stan Hunt, Mr. Lamy mentioned the existing contract included the option to extend, or renew, for one more year.

For the purposes of discussion, motion was made by Mr. Stec and seconded by Mr. Mason to approve the request to modify Resolution No. 46 of 2006 and extend the contract with Tree Care by Stan Hunt through 2007.

Mr. Belden said it was his understanding that the service provided by Mr. Hunt had disappointed several municipalities within the County. He said he would prefer to re-bid the services, rather than renew the contract.

Mr. Lamy explained that if a new RFP were to be issued, a new contract may not be in effect until mid to late January 2007.

Following a brief discussion, it was the consensus of the Committee to authorize a RFP for tree care services. (Messrs. Stec and Mason withdrew their motion.)

At Agenda Item 11, Weather Guard Roofing, Mr. Lamy presented a resolution request to extend the contract with Weather Guard Roofing Co., Inc. through December 31, 2006, at no additional cost. He said the project's start-up had been somewhat delayed, although it was now progressing quite well. He noted the project details were outlined in the memo attached to the resolution request.

Motion was made by Mr. Bentley, seconded by Mr. Mason and carried unanimously to approve the request to extend the contract with Weather Guard Roofing Co., Inc. through December 31, 2006, at no additional cost to the County, and to authorize the necessary resolution be prepared for the December Board meeting. A copy of the resolution request form is on file with the minutes.

Next, Mr. Lamy explained that Agenda Item 12 related to a RFP for solid waste, medical waste and recycling disposal services. He noted the bid summary sheets were included in the Agenda packet (pages 23-26) and he proposed the services would be best handled by three different vendors, at three different locations. He said he had discussed this proposal with the Purchasing Agent to verify this was allowed by the County Purchasing Policy.

Motion was made by Mr. Mason, seconded by Mr. Stec and carried unanimously to approve the contracts for Solid Waste, Medical Waste & Recycling Disposal Services (Bid No. WC 82-06) to the following three vendors: Casella Waste Management of New York d/b/a Springer Waste Management; Stericycle, Inc.; and Waste Management of NY, LLC; and to authorize the necessary resolution be prepared for the December board meeting. A copy of the resolution request form and bid tabulation sheets are on file with the minutes.

Mr. Lamy explained Agenda Items 13-16 were all related to bid openings scheduled between November 28th and the December 15th Board meeting. He observed that each of these bids were for services necessary to the day-to-day functions of the DPW. Therefore, he asked the Committee members to authorize the various contracts to be awarded to the lowest responsible bidder, which would allow the necessary resolutions to be prepared for the December 15th Board meeting.

Mr. Lamy apprized the bid opening related to Agenda Item 13 (Solid Waste/Recycling Transportation Services) was scheduled for November 30, 2006.

Motion was made by Mr. Stec, seconded by Mr. Bentley and carried unanimously to approve the contract for WC 89-06, Solid Waste/Recycling Transportation Services, be awarded to the lowest responsible bidder, and to authorize the necessary resolution be prepared for the December Board meeting. A copy of the resolution request form is on file with the minutes.

As for Agenda Item 14, HVAC Repair and Rehab, Mr. Lamy noted the bid would be

opened on December 9.

Motion was made by Mr. Mason, seconded by Mr. Bentley and carried unanimously to approve the contract for WC 18-05, HVAC Repair and Rehab Services (county-wide), be awarded to the lowest responsible bidder, and to authorize the necessary resolution be prepared for the December Board meeting. A copy of the resolution request form is on file with the minutes.

Moving to Agenda Item 15, Traffic Signal at Bay/Sunnyside/Moon Hill Road, Mr. Lamy said the Agenda packet included an engineer's cost estimate, and the bid would be opened on November 30, 2006.

Motion was made by Mr. Stec, seconded by Mr. Bentley and carried unanimously to approve the contract for WC 106-06, Traffic Signal at Bay/Sunnyside/Moon Hill Road, be awarded to the lowest responsible bidder, and to authorize the necessary resolution be prepared for the December Board meeting. A copy of the resolution request form is on file with the minutes.

Next, Mr. Lamy said the bid opening for Agenda Item 16, Routine Pumping, Cleaning and Disposal for Septic Systems, was scheduled for November 30, 2006. Motion was made by Mr. Mason, seconded by Mr. Stec and carried unanimously to approve the contract for WC 97-06, Routine Pumping, Cleaning and Disposal for Septic Systems, be awarded to the lowest responsible bidder, and to authorize the necessary resolution be prepared for the December Board meeting. A copy of the resolution request form is on file with the minutes.

Responding to Mr. Belden's questions regarding the Towns' use of County contracts, Mr. Lamy explained there were provisions in the County's Purchasing Policy the County Attorney would elaborate on, later in the meeting.

Mr. Lamy noted that Agenda Item 17, was related to the possible contract extension with Porter Maintenance, for bridge deck cleaning/sealing services. He said the County had the option to extend the existing contract through December 31, 2007.

Motion was made by Mr. Bentley, seconded by Mr. Geraghty and carried unanimously to extend the contract through December 31, 2007, with Porter Maintenance, Inc. for bridge deck cleaning/sealing services, and to authorize the necessary resolution be prepared for the December Board meeting. A copy of the resolution request form is on file with the minutes.

A brief discussion ensued.

Next, Mr. Lamy reported at Agenda Item 18 related to correspondence from Attorney J. Anthony Jordan regarding the Town of Johnsburg's desire to acquire Tax Map Parcel No. 118.10-1-33. He referenced a map of the parcel, on page 41 of the Agenda packet

and noted his General Foreman was investigating whether or not there was a drainage structure on the parcel. In addition, he said his office would be consulting with the NYS DOT for their comments as well.

Mr. Wm. Thomas, as Supervisor for the Town of Johnsbury, commented that the parcel was adjacent to property owned by the Wevertown Fire Company.

Mrs. Parsons commented that if DPW determined the property was of no further use to the County, the property could be conveyed, as requested. Mr. Lamy confirmed that he would report back to the Committee once he heard back from the DOT.

At Agenda Item 19, Purchasing Information, Mr. Lamy directed attention to pages 43-45 of the Agenda packet, with regards to any public works contracts.

Mr. Thomas left at 12:03 to invite the County Attorney to join the Committee meeting. Further discussion of Item 19 was tabled until the County Attorney could attend.

Continuing at Agenda Item 20, Mr. Lamy said he had prepared a Budget Update on DPW and its divisions, as requested by the Budget Officer. However, he said he had not mailed the report, one week prior to the meeting, because the full report was 43 pages long and would have cost approximately \$100 in postage. He queried whether or not an abbreviated version might better suit the Committee's purposes.

Mr. Wm. Thomas re-entered the meeting at 12:06 p.m. He apprized the County Attorney would soon join the meeting.

General discussion ensued.

Mr. Mason left the meeting at 12:10 p.m.

Mrs. Parsons explained that electronic transmission of the Budget Report was not an option of the current software, although the Information Technology Department was working on a number of different options, including laptops or home computers with limited access to the County Financial information. Continuing, she said, she felt a good solution would be found within the relatively near future.

Mr. Dusek entered the meeting at 12:11 p.m.

Mr. Gabriels commented that he felt the Budget Report did not need to include the Capital Projects pages.

Mr. VanNess acknowledged that he was one of the Supervisors who had requested some type of Budget update throughout the year. He said his main intention was to have some sort of pulse on the Budget's condition, to avoid being surprised late in the year. He mentioned he would be glad to accept a summary report that could provide

that information.

Following a brief discussion, it was the consensus of the Committee that the Budget Report could be provided at the end of each quarter, rather than monthly. He said he would supply the reports to the Clerk of the Board, for distribution via the Supervisors' mail slots, to save on postage.

Mr. Belden acknowledged that Mr. Dusek was now in attendance and he returned the discussion to Agenda Item 18. He apprized Mr. Dusek of the Committee's earlier discussion and the Wevertown Fire Company's request.

Privilege of the floor was extended to Paul Dusek, County Attorney, who explained the Highway Law would allow "left over parcels" from a highway improvement project to be transferred to the adjoining property owner.

Moving to Agenda Item 19, Mr. Dusek reported that the Public Officer's Law Section 408-a allows the Towns to "ride" on County contracts that are related to the purchase of supplies, materials or professional services. However, he said, the Law does not allow the Towns to "ride" on County contracts related to public works, when prevailing wage rates would apply, i.e. the installation of windows at \$100 each.

Responding to questions from various Supervisors, Mr. Dusek offered additional examples, as follows: contracts which primarily pertained to materials (such as the delivery of asphalt) the personal services of the driver was incidental to the purchase; compared to when a tree service was hired to remove a tree (owned by the municipality) the tree was incidental to the purchase.

Mr. Dusek further stated the Towns should consult with the New York State Department of Labor anytime there was a chance the workers involved in a project may be subject to the prevailing wage rate. He surmised that through individual contracts, the Towns may end up with better contract rates, depending on which local firms responded to their RFPs.

Wm. Thomas noted Agenda Item 13 related to a contract for Solid Waste and Recycling Transportation Services for "Warren County and Municipal Subdivision." He asked how that situation would be allowable, under this Law.

Mr. Dusek explained that an Inter-Municipal Agreement had been initiated, several years ago, whereby the County arranged for the hauling services, and the Towns reimbursed the County, pursuant to said Agreement.

A general discussion ensued.

Mr. Dusek elaborated on his earlier comments regarding asphalt delivery vs. tree removal. He pointed out the purchased commodity was asphalt materials rather than

the purchase of services to remove a tree the municipality already owned.

Mr. Dusek acknowledged the question regarding the Towns' use of County contracts had been brought to his attention by the County Purchasing Agent, Julie Pacyna. He noted that she was in her first year, as Purchasing Agent, and was thoroughly reviewing the Public Officer's Law, as part of her newly appointed duties. He commended Ms. Pacyna for reading everything, the way she was supposed to.

Mr. Dusek further noted that the Towns could have access to the County's bidding documents, in order to obtain their own bids and contracts. He commented that the Towns may not actually meet the bidding threshold of \$20,000 on public works projects. Therefore, he noted, the Towns could hire the County's vendors, even though the Town projects could not be listed in the County bid documents.

Mr. Wm. Thomas announced that he had just received word that Robert Delaney, the former Supervisor for the Town of Horicon, had passed away this morning. The Committee paused for a moment of silence. Mrs. Parsons noted she would apprise the Supervisors once she learned of the service arrangements.

Messrs. Dusek and Wm. Thomas left the meeting at 12:30 p.m.

Mr. Lamy resumed Agenda review at Item 21, Referrals (page 46 of the packet) as follows:

- County Maps were still in progress;

- Alder Brook Bridge project had no change in status;

- Gas Boy reports on the Card System and Key System forthcoming in early 2007;

- Shop review to be conducted with Committee Chairman Belden. Mr. VanNess pointed out the Sheriff's Office sends their patrol cars to Warren Tire and pays the shop labor rate, but provides the parts and materials for the work. He queried whether or not the DPW would consider bringing that work in house.

 - Following a brief discussion, Mr. Lamy said he would speak with Sheriff Cleveland and review what implications the added work would have on the DPW staff. He said he would report back to the Committee.

- Big Hollow Road Bridge in Lake George: Mr. Lamy and Mr. Belden had visited the bridge and taken photographs, which he passed to the Committee members. He explained the bridge had been built on top of the old structure, the bridge's span measured 12 feet between the abutments, and did not meet the State's criteria (of 25 feet) to qualify as a County bridge.

 - Mr. Belden reported that he had discussed the bridge with Louis Tessier, Supervisor for the Town of Lake George and informed him of their findings.

General discussion ensued.

Mr. VanNess exited the meeting at 12:38 p.m.

Mr. Belden suggested that a formal letter should be written to the Town of Lake George to report Mr. Lamy's findings that the bridge did not meet the specifications to qualify as a County Bridge.

Motion was made by Mr. Stec, seconded by Mr. Merlino and carried unanimously to authorize Mr. Lamy to write letter of declination to the Town of Lake George for the reasons stated above.

Continuing with his review of Agenda Item 21, Referrals, Mr. Lamy further noted:

Corinth Road Reconstruction Capital Project H.199.9550 280 was progressing, as the Town of Queensbury worked to identify which parcels would need new electrical entrances installed. He also noted the appraisals for the ROW (right of way) negotiations were underway.

Fuel farms' compliance had been reported on at Agenda Item 6, earlier in the meeting.

Low sulphur diesel fuel conversion had been in effect since October 15, 2006. He explained the minimum additives were being added to the fuel at the port, where the fuel oil enters New York State for distribution.

Mr. Gabriels left the meeting at 12:40 p.m.

Mr. Bentley observed that the evergreen tree at the entrance to the Municipal Center had been decorated with Christmas lights. He commended the Grounds Crew and said he felt the tree looked "the best he had ever seen it look." The other Committee members echoed his comments.

There being no further business to come before the Committee, on motion by Mr. Stec and seconded by Mr. Geraghty, Mr. Belden adjourned the meeting at 12:42 p.m.

Respectfully submitted,
Carlene A. Ramsey, Sr. Legislative Office Specialist